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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91185256
Party	Defendant Room Service Interiors Ltd.
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Attachments	74962-Response-to-Motion-to-Suspend.pdf (3 pages)(103694 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application No.:)	
76/071,006 – Published September 25, 2007)	
For the mark – ROOMSERVICE)	
)	
Room Service Home, LP and R S Design, Inc.)	Opposition No. 91185256
d/b/a Room Service by Ann Fox,)	
)	
Opposers,)	
)	
v.)	
)	
Room Service Interiors Ltd.,)	
)	
Applicant.)	

**APPLICANT'S RESPONSE IN OPPOSITION TO
 OPPOSER ROOM SERVICE HOME'S MOTION
 TO SUSPEND PROCEEDINGS**

Applicant, Room Service Interiors, Ltd. ("Applicant") submits this memorandum in opposition to Opposer Room Service Home L.P.'s ("Room Service Home") Motion to Suspend Proceedings and Notice of Bankruptcy Proceedings ("Motion").

In its Motion, Room Service Home requests the Board to suspend the current proceedings pending bankruptcy proceedings. [p.1 ¶¶ 1-2] The Board should deny the Motion for three main reasons.

First, as a plaintiff in this proceeding, Room Service Home does not qualify for an automatic stay under the U.S. Bankruptcy Code, 11 U.S.C. §§ 301-302. As explained in the Trademark Trial and Appeal Board Manual of Procedure, "if it is the plaintiff in the Board proceeding, rather than the defendant, which has filed a petition for bankruptcy, the automatic stay provisions do not mandate the suspension of the Board proceeding unless there is a counterclaim in the Board proceeding for cancellation of the plaintiff's

registration(s).” TBMP § 510. Room Service Home is a plaintiff in this proceeding.

Further, this proceeding concerns only Applicant’s right to registration – Applicant has not filed a counterclaim. Thus, under TBMP § 510, the automatic stay provisions of the Bankruptcy Code are inapplicable, and the Board should not suspend this proceeding.

Second, because this proceeding involves multiple opposers, suspending this proceeding merely to accommodate the bankruptcy proceeding of a single opposer would be inappropriate. Put differently, there is no reason that opposer, R S Design, Inc. could not continue this proceeding.

Third, a suspension would prejudice Applicant by further delaying the registration of Applicant’s mark for an indeterminate period of time.

Thus, the Board should deny Room Service Home’s Motion to Suspend Proceedings.

Date: 9/2/2009

Room Service Interiors, Ltd.

By: 

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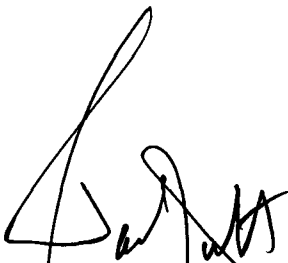
CERTIFICATE OF FILING AND SERVICE

The undersigned hereby certifies that a copy of the foregoing **APPLICANT'S RESPONSE IN OPPOSITION TO ROOM SERVICE HOME'S MOTION TO SUSPEND PROCEEDINGS AND NOTICE OF BANKRUPTCY PROCEEDINGS** has been filed electronically through The Electronic System for Trademark Trials and Appeals ("ETTSa") of the U.S. Patent and Trademark Office, and a true and correct copy has been served on Opposers by facsimile and first class mail to Opposers' counsel on this 2nd day of September, 2009 at the following address:

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